



KASHMIR

R E P O R T

January, February 1995

Volume 7, Nos. 1&2

APHC leaders' visit to Britain

Kashmiris' sacrifices are for their right of self-determination not election -

Mirwaiz Umar Farooq



APHC Chairman, Mirwaiz Umar Farooq and APHC Council Member, Maulana Abbas Ansari addressing a press conference at the Central Office of World Kashmir Freedom Movement in London

The All Parties Hurriyet Conference chairman, Mirwaiz Muhammad Umar Farooq and its executive council member, Maulana Muhammad Abbas Ansari have stressed that Kashmiri people have been struggling for their right of self-determination, and not for any election under Indian constitution.

APHC leaders who had arrived on their first visit to Britain

January 31, were addressing a press conference at the Kashmir Centre. Earlier, they were given a warm welcome at the airport by the leaders of various Kashmiri organisations in Britain from both sides of the cease-fire line.

APHC chairman, Mirwaiz Umar Farooq said that the purpose of the delegation's visit to Britain is to project the Kashmir problem in the right

perspective, both to the government and the people of Britain. He declared that there could be no solution of the problem without the participation of the people of Kashmir.

"Our aim in coming here is to tell the people, the government members of parliament, NGOs and others in Britain that Kashmir is not a border dispute,

Continued on page 2

APHC leaders's visit to Britain

Continued from page 1

it is a political problem, a problem of 13 million people of Kashmir who are struggling for their right of self-determination."

"The talk of election and political process in Kashmir is eyewash; it is to mislead the international community. The APHC has rejected the election or any Indian incentive or economic package.

UN resolutions are outdated, and that in his view the Indian proposal of election and political process are a way forward in resolving the Kashmir issue, Mirwaiz Umar Farooq reminded that the APHC had issued an official statement rejecting Mr Hurd's contentions. He said that Mr Hurd, unfortunately, had seemed not to have understood the Kashmir issue in its proper perspective. It

on things purely of economic interest to it.

Umar Farooq said, when the APHC delegation would meet the officials of the British Foreign and Commonwealth Office and members of Parliament, they would try to remove the misunderstanding.

He said: "We will try to explain to the government here that the APHC is interested in a peaceful solution of the conflict.



APHC leaders addressing Kashmiri expatriates at Markfield Conference Centre in Leicester

"We will be stressing on the government and people here that we are not terrorists or fundamentalists as India has been painting us. We have been forced by India's long denial of our fundamental right of self-determination to become more assertive in achieving our objective of self-determination. To call the Kashmiri people terrorists or fundamentalists is to demean our struggle", Umar Farooq said.

Asked about the British Foreign Secretary's remarks that

seemed as if he didn't care for the people of Kashmir who are the main party and on whom great injustices had been perpetrated. "It is Britain which is largely responsible for the origin of the Kashmir conflict".

He said, when British government leaders hold such views as Mr Hurd's, the Kashmiri people's normal reaction is that Britain should not then talk about human rights or democracy or of great human values, but concentrate

And that, indeed, it has already launched a 'Peace Offensive Mission' as a means to achieve it. We want to bridge the gulf between India and Pakistan. The only way to do this is for India, Pakistan and the Kashmiri people from both sides of the cease-fire lines to sit together and settle the issue". Mirwaiz Umar Farooq gave a brief account APHC delegation's visits to Casablanca, Saudi Arabia and Kuwait. He said it was the first time that Kashmiri leaders had

Continued on page 4

Amnesty International censures India for custodial deaths in Kashmir

The famed human rights organisation, Amnesty International has again condemned India for its continuing human rights violations in occupied Kashmir. In its report 'India: Torture and Deaths in Custody in Jammu and Kashmir', released January 31, 1995 at the start in Geneva of the UN Commission on Human Rights (UNCHR), the AI said: "Torture by the Indian security forces has become routine in the state of Jammu and Kashmir since the armed conflict erupted there in 1989".

It said, "the number of Kashmiris who have died in custody as a result has reached alarming proportions. Its 129-page report details the cases of 715 detainees allegedly tortured to death or shot outright.

"Indian army and paramilitary forces have killed detainees in custody while extracting information about armed secessionist groups, to intimidate the local population or in reprisal for killings of security forces personnel", and regrets that "the international community has largely ignored this escalating human rights crisis".

"The entire civilian population is at risk of torture in areas where Indian government forces are engaged in counter-insurgency operations against armed groups fighting for independence or for the state to join Pakistan. Most of the

victims are young men detained during 'crackdown' operations to identify armed militants.

"Typically, the security forces round up hundreds of people in towns or villages. Any that are suspected of links with militants are then taken away. Scores of women claim they have been raped. The relatives of those taken into custody are often not told why they have been arrested or where they are being held.

"Almost all of those arrested are tortured: many do not survive, others are mutilated and disabled for life. The severity of torture by the Indian security forces is the main reason for the appalling number of deaths in custody in the state".

The report said that the Indian government has proclaimed that its policy regarding Jammu and Kashmir is one of openness and transparency. However, it has consistently refused to co-operate meaningfully with United Nations mechanisms for human rights protection. United Nations experts on torture and extrajudicial, summary and arbitrary execution have not been invited to visit India as they had requested and international human rights monitoring bodies such as Amnesty International continue to be denied access to the state.

AI said, it has based its report solely on sources within India itself, which have been

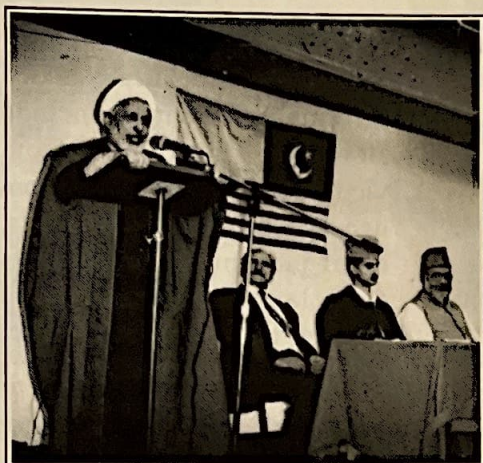
carefully cross-checked in order to exclude any politically biased information. Sources include first-hand accounts from victims, signed statements from eye-witnesses, legal affidavits, court judgements and reports from lawyers. AI also used post-mortem reports, newspaper articles and detailed reports from civil liberties groups.

AI report concluded with eight recommendations addressed to the Government of India and the state government of Jammu and Kashmir. These recommendations are based on international standards and on measures recommended by the judicial authorities within Jammu and Kashmir itself.

"Urgent action to bring those responsible for torture and deaths in custody to justice, to establish a commission to protect detainees, and to respect and strengthen safeguards for detainees, is vital. Grave human rights violations in Jammu and Kashmir amount to a consistent pattern; the Indian government and the international community should no longer be allowed to ignore them".

Amnesty officials said that they were hoping to stop politics interfering with the work of the UNCHR, and recalled the failure last year of Pakistan's condemnation of Indian atrocities in Kashmir in a resolution which fell prey to political manoeuvring, and so was dropped.

APHC leaders' visit to Britain



Maulana Abbas Ansari addressing a public gathering at Birmingham. On the dais from left are Raja M. Suleman, Mirwaiz Umar Farooq and Maulana Munwar Husain Mashadi.

Continued from page 2

participated in an international gathering at the 52-nations Islamic Summit. Not only the Kashmiri cause of self-determination received full support in the summit resolution but individual heads of state, particularly, the Saudi Crown Prince and the President of Turkey gave us wholehearted welcome and support.

He said that the Organisation of Islamic Conference (OIC) Secretary General, Hamid Algabid, told them that the APHC would be having Observer seat in the OIC and would be invited to its meetings in future. Umar Farooq described the Casablanca visit as a major step forward, the OIC being one of the most important international organisations.

About their visit to Saudi Arabia, Umar Farooq said that Saudi government officials and other important personalities whom they met told them that Saudi Arabia is fully supportive

of the Kashmiri cause of self-determination. However, they would want a peaceful solution of the conflict. In Kuwait too, the APHC delegation received warm reception and full support for the Kashmiri cause.

Maulana Abbas Ansari said that India and Pakistan have already fought three wars over Kashmir. If the Kashmir problem is not resolved soon, there is a danger of the fourth and most horrendous war, in which India and Pakistan would suffer immensely and Kashmir would be destroyed.

He said that in the case of Kuwait, the UN resolution was implemented with full fury. People said, it was Kuwait's oil which brought such a quick UN reprisal against Iraq. "Is Kashmiri blood, flowing uninterruptedly for the last five years cheaper than oil in the eye of the world community?" he asked, shaming international morality.

Kashmiri leaders had separate

meetings with Lord Avebury, Charman of the British Parliamentary Human Rights Group and Mr Roger Godsiff, MP and Chairman of the All Party British Parliamentary Kashmir Group.

They also had a long meeting with a two-member team of the Foreign and Commonwealth Office South Asia Department. While the FCO team reiterated Britain's stand on Kashmir, the APHC leaders told them that their Conference had already rejected British proposals and stressed that 40,000 Kashmiris have sacrificed their lives, not for an election, but to achieve their right of self-determination. APHC leaders addressed large meetings of Kashmiri people in Leicester and Birmingham. They, however, could not attend meetings with the British MPs at the House of Commons due to their prolonged previous engagements and, as they were delayed by heavy traffic congestion. They regretted the inconvenience caused to MPs.

United States not to allow India permanent seat in the UN Council

India will not be allowed to become a permanent member of the UN Security Council unless it has improved relations with Pakistan and settled the Kashmir issue, the US Assistant Secretary of State, Ms Robin Raphel has said.

"We favour Germany and Japan in the Security Council. Beyond that we have not offered any view on who else should have a seat. It is a very complicated issue. We have supported the idea of Security Council reform, but we do not have any specific views with regard to how large, who and so on".

Ms Robin Raphel, who was giving early February extensive review of India-US relations before the House International Affairs Subcommittee on Asia and the Pacific, said that India

has a lot of political baggage at the moment in terms of its relationship with Pakistan and the Kashmir problem.

She said that the bomb blasts in Jammu and Kashmir on (India's) republic day and similar incidents, as well as the flow of money and arms through Pakistan "simply underline and make more obvious the need to solve the Kashmir problem". The situation had improved after the Pakistani government took preventive steps at US insistence. But private parties in Pakistan continued to back the militants, she said.

Ms Robin Raphel said the United States believed that further development of existing nuclear and missile capabilities in India and Pakistan would

undermine the security of both countries and limit their options in dealing with their political differences.

"We, and others, remain seriously concerned about a potential ballistic missile race between India and Pakistan, and urge both countries to commit not to be the first to deploy such missiles. South Asia is the one area of the world where a regional conflict has the potential to escalate into a nuclear exchange with devastating consequences", she said.

The US objective in South Asia, Ms Robin Raphel pointed out, was to prevent further development of weapons of mass destruction and ballistic missiles.

Motion on Kashmir in the European Parliament

The Socialist Group on Jammu and Kashmir (SGJK) has tabled the motion in the European Parliament calling on the European Union to bring about a peaceful settlement in Kashmir "which respects the legitimate interests of both India and Pakistan, as well as of the peoples of Jammu and Kashmir".

Ms Eryl McNally, British Member of European Parliament (Labour) said, in a letter to Dr Ayyub Thukar, President WKFM, that as the EC's New Asia Strategy' document of July 1994 views the conflict over Kashmir as

potentially serious flash points in Asia, the SGJK motion has urged the EC to use its good offices to help bring about a peaceful settlement.

The motion "expresses concern at the continuing crisis in Jammu and Kashmir and at the violence, loss of life, human rights abuses and economic deterioration which had resulted, as well as the slowing down of regional cooperation within SAARC and the real risk of renewed armed conflict between India and Pakistan".

In the debate following the motion, MEPs Mrs Pollack, Mr Tappin and others in the SGJK

are expected to draw the European Community's attention to the unresolved problem of Kashmir and press for action by the European Union.

The motion recalls that the "dispute over the disputed territory of Jammu and Kashmir has led to military confrontation and war between India and Pakistan since partition in 1947, that the UN resolutions of late 1940's were implemented neither by India nor Pakistan and that the 1972 Simla Agreement had failed to bring about a peaceful settlement".

Seventh Islamic Summit Communique on Kashmir

The Seventh Islamic Summit of the 52-nation Organisation of Islamic Conference, meeting in Casablanca from 13 to 15 December, 1994, in its communiqué issued after the meeting, carried the following resolution on Kashmir.

'Jammu and Kashmir:

52. The Conference called for a peaceful settlement of the Jammu and Kashmir issue in accordance with the relevant UN resolutions. It condemned the continuing massive violations of human rights of the Kashmiri people and called for the respect of their human rights, including right of self-determination.

It called upon Member States to take all necessary steps to persuade India to cease forthwith the massive human rights violations of the Kashmiri people and to enable them to exercise their inalienable right to self-determination as mandated by the relevant resolutions of the Security Council.

It also called upon India to allow international Human Rights Groups and Humanitarian Organisations to visit Jammu and Kashmir.

53. It supported the efforts of the Government of Pakistan to initiate a meaningful bilateral dialogue for resolving the Jammu and Kashmir dispute and called

upon the Government of India to respond positively to these efforts.

It affirmed that a sustained dialogue is essential to address the core of the problems and to remove the basic causes of tension between India and Pakistan.

54. It expressed its deep concern at the prevailing tension that threatens security and peace in the region. It called upon India and Pakistan to redeploy their forces to peace-time locations.

55. It requested the Government of India, in the interest of regional peace and security, to avail itself of the offer of Good Offices made by the Twentieth Islamic Conference of the Foreign Ministers and the Sixth Islamic Summit Conference.

56. It requested the Secretary General to establish contact with the Governments of India and Pakistan and the true representatives of the people of Jammu and Kashmir with a view to promoting a just and peaceful settlement of the Kashmir dispute and to take necessary steps for enabling the true representatives of the Kashmiri people to have their views expressed in OIC and other international fora.

It also requested the Secretary General to send a three-member OIC Fact-Finding

Mission to visit Jammu and Kashmir and requested the Government of India to allow the OIC Fact-Finding Mission to visit Jammu and Kashmir.

57. It recommended that Member states continue to co-ordinate their positions and to take joint action at the UN General Assembly and the Commission on Human Rights and other relevant international fora to promote respect for the fundamental human rights of the people of Jammu and Kashmir.

It welcomed the establishment, in accordance with the decision of the Seventh Extraordinary Session, of the OIC Contact Group on Jammu and Kashmir at the United Nations comprising of Niger, Saudi Arabia, Turkey, Pakistan and the OIC Secretary General and requested the Contact Group to continue its efforts for promoting the right of self-determination of the Kashmiri people in accordance with the UN Resolutions and for safeguarding their fundamental human rights.

58. It appealed to the Member States, OIC and Islamic Institutions, such as the Islamic Solidarity Fund, and the philanthropists to mobilise funds and contribute generously towards providing humanitarian assistance to the Kashmiri people.'

UN resolutions on Kashmir are as valid today as when they were adopted

The British Foreign Secretary, Douglas Hurd, during his recent visit to the subcontinent, had reportedly said that 'UN resolutions on Kashmir are 40 years old. (And) it is not really supposed that the resolutions will form the basis of a settlement'. If in Mr Hurd's view the UN resolutions are 40 years old, hence outmoded, so is the Simla agreement which is more than half as old, the World Kashmir Freedom Movement President, Dr Ayyub Thukar said in press statement January 11.

Dr Thukar said, "the Simla agreement's great deficiency lies in the fact that the Kashmiris weren't party to it; whereas in the UN resolutions, their fundamental rights had been duly recognised. Besides the Simla agreement does not negate the UN resolutions; rather it upholds them. Besides, causing the Kashmiri people a grievous wrong, Mr Hurd has not furthered the cause of international justice and morality enshrined in the United Nations".

Dr Thukar stressed that unlike relations between nations, established through pacts, accords, agreements and treaties and kept by legal prescription of limitation, the UN resolutions, including the ones on Kashmir, do not lapse into invalidity by period bar. They wouldn't die even if the UN were dissolved or the problem itself were resolved. Rights,

settlements, entitlements and equities established by them would remain valid.

"The comfort which India has received from Mr Hurd would embolden it in unfolding even grimmer human rights excesses in Kashmir, and more Kashmiri blood would flow. The Kashmiri people would never let India have a smooth sailing either in its election or in its political process. They are committed to oppose any election under the Indian constitution, as is evident from its rejection by the All Parties Hurriyet Conference".

Lest Mr Hurd misreads the reality of situation in Indian occupied Kashmir from the biased reasoning of the Indian government, Dr Thukar pointed out that without the people's grass-roots support, the Kashmiri struggle wouldn't have lasted so long; neither would it end till the aspirations of the people are realised.

Similarly, the talk of outside support to the Kashmiri struggle, or equating it to terrorism etc. is an effrontery to the noble name of political emancipation as the world reckons it.

If the Kashmiri struggle for freedom could be likened to terrorism, India's own struggle against the British wouldn't escape a similar charge, as indeed, it had been so indicted by a number of British

politicians in the past.

"Kashmiri people have given the sacrifice of over 40,000 lives of their near and dear ones and have withstood untold atrocities by the Indian occupation forces during the last five years. All these they have valiantly undergone to secure their right of self-determination and, not for any election under an Indian constitution".

Dr Thukar said that Mr Hurd had himself once acknowledged that the aspirations of the Kashmiri people must be respected. He seemed now to have muffled his good judgement in formulations favouring Indian-inspired talk of election and political process. And he stressed that any election under the Indian constitution is not the means through which Kashmiri aspirations could either be ascertained or realised.

Dr Thukar appealed to the Kashmiri people and supporters of their cause in Britain, to lobby MPs and, through them, Whitehall, bringing attention to the dire consequences of ignoring the Kashmiri people's legitimate right of self-determination as formalised in the UN Security Council resolutions on Kashmir of 1948 and 1949, and not to support India's nebulous programme of election and so-called political process in Indian occupied Kashmir.

Indian forces go berserk in Kashmir again

Indian occupation forces killed five Kashmiri civilians and injured 37 others in Gada Kocha, a busy inner city shopping area of Srinagar on the evening of February 10.

Indian forces' brutal action was in retaliation for Kashmiri militants' attack on nearby bunkers in which one BSF man was killed and another injured, later died in hospital.

Eyewitnesses said after about 20 minutes of the militant

attack, soldiers manning other bunkers rushed to the scene and dragged out five shopkeepers onto the road, then shot them in cold blood. Before leaving the area, the soldiers fired indiscriminately on passers-by and other shopkeepers injuring 37.

Press reports, quoting a senior Indian officer, said that the men of the Border Security Force (BSF) had lost their temper and opened fire on passer-by. The

bodies of the five civilians killed were handed to their families next morning.

The Kashmir Traders and Manufacturers Association observed a two-day general strike as a protest against the reprisal killing of Kashmiri civilians. It demanded the immediate withdrawal of Indian soldiers and the dismantling of all bunkers from all civilian areas in city, as a necessary preventive measure.

Remote areas of Banihal and Ramban terrorised by Indian occupation forces

The people of Banihal and Ramban subdistricts (tehsils) of Kashmir are being terrorised by Indian occupation forces. Besides committing grave human rights violations, Indian forces have been indulging in the looting and plundering of property in the twin subdistricts as a matter of routine. These atrocities have largely remained unreported.

The subdistricts are located on the national highway and include remote hilly and mostly backward areas of occupied Kashmir. Because of the area's remoteness, Indian forces do whatever they like with the helpless people.

A recent, small news item about sheep rustling by Indian forces in Chimmar locality of Ramban appearing in a Srinagar newspaper *Alsafah* led to the unfolding of the Indian forces

activities in the area.

A number of families of Chimmar have been looted and their houses and cattle burnt down by the Indian forces. When the affected people tried to lodge FIR with the Banihal and Ramban police stations, Indian authorities prevented them from doing so, and the authorities in the police stations subjected them to severe beating.

Among the affected people were shepherd Ramzan Waghey, Ghulam Mohammad Goffar, Rohsan, Mohimdia Goffar and Kammad Gojjar, who were all beaten up mercilessly and their herds of over 300 sheep forcibly taken away.

The house of the widow and daughter of Mohammad Afzal was set on fire. So were three

houses of Peer Akbar Shah's family and their cattle burnt.

One Nawab Ahmad Khan of Halimaidam in Banihal was taken into custody in December 1993 and kept in detention in Kotbalwal after being tortured at different interrogation centres at Doda and Jammu. His dead body was handed over to his parents in July 1994. Police Station Banihal refused to register the FIR.

It is time human rights organisations took due note of the atrocities being committed by Indian occupation forces in remote and backward areas of Kashmir like Banihal and Ramban, and brought them to the attention of the world human rights organisations so that the poor and helpless Kashmiris are spared atrocities and plunder at the hands of Indian forces.